

## REMARKS

### **I.     INTRODUCTION**

Claims 13-24 remain pending in the above-referenced application. Claims 13 and 23 have been amended to clarify the subject matter recited therein. No new matter has been added. Reconsideration of the present application is requested.

### **II.    IDS**

The Examiner has indicated that the Information Disclosure Statement mailed on February 21, 2003 fails to comply with 37 CFR 1.98(a)(3) as failing to include a concise explanation of the relevance as each patent listed that is not in the English language.

Respectfully, in accordance with MPEP 609 III A(3):

[w]here the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitted an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. This may be an explanation of which portion of the reference is particularly relevant, to which claims it applies, *or merely an 'X', 'Y', or 'A' indication on a search report.*

(Emphasis added).

The patents listed in connection with Applicants' February 21, 2003 IDS, Applicants have previously submitted an English translation of the International Search Report corresponding to the present application which indicates the degree of relevance found by the International Searching Authority in connection. Annexed hereto, for the Examiner's convenience, is yet another copy of the Search Report, and another copy of Applicants' Form 1449 listing these references. As the Examiner will note, the International Searching Authority has indicated that it believes that each of the references is an "A" reference. The Examiner is requested to consider each of the references, initial the Form 1449, and send Applicants a copy of the initialed Form 1449 with the next communication.

The Examiner also contends that Applicants' IDS filed on December 13, 1999 fails to comply with CFR 1.98(a)(2). In particular, the Examiner contends that Applicants have not provided a legible copy of each of the references listed in connection therewith. Respectfully, as set forth in Applicants' Amendment dated February 21, 2003, each of these

references was already provided to the U.S.P.T.O. by WIPO. See, e.g., Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (indicating that a copy of the International Search Report and copies of the references cited therein have been received). Moreover, Applicants provided an *additional* copy of these references with the Amendment of February 21, 2003.

### **III. REJECTION OF CLAIMS 13-24 UNDER 35 U.S.C. § 102(e)**

Claims 13-24 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 5,603,108 to Thoone (the "Thoone patent"). It is respectfully submitted that the Thoone patent does not anticipate the aforementioned claims for at least the following reasons.

As recited in claim 13, at least one message *containing* selection data that is indicative of a respective transmission region of the transmitter, is transmitted. Additionally, location data *contained* in the digitally coded messages is compared to the selection data. Claims 14-22 depend from claim 13.

As regards the recited selection data, the Examiner states that the radio receiver in the Thoone patent "is capable of comparing the field strengths of received stations with the field strengths of stored stations to determine the location of the receiver (column 3, lines 25-43). In this case, the selection information is the transmission itself." Respectfully, the field strengths relied upon by the Examiner are not *contained* in messages, and are, instead, a measure of the strength of the signals. Indeed, the Thoone patent does not directly discuss the content of the received transmission and is limited to the receiving of standard RDS-TMC messages. Simply put, the Thoone patent demonstrates no appreciation for selection data *contained* in messages that is indicative of transmission region. For at least the above reasons, the Thoone patent does not anticipate claim 13.

Claim 23 recites a device which receives messages *containing* selection data which indicates a respective transmission region. Claim 24 depends from claim 23. As discussed above, the Thoone patent does not describe or suggest this feature.

In view of the foregoing, it is respectfully submitted that the Thoone patent does not anticipate claims 13-24. Withdrawal of the rejection of claims 13-24 under 35 U.S.C. § 102(e) is, therefore, requested.

IV. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for allowance. Reconsideration and allowance of the claims are requested.

Respectfully submitted,

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*(Handwritten signature)* (a ~ 36097)

Dated: 5 Aug 1973

By: *(Handwritten signature)*

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